

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN EDWARD ROACH,

Petitioner,

v.

ATTORNEY GENERAL,

Respondent.

CASE NO. C23-5446 BHS

ORDER

THIS MATTER is before the Court on Magistrate Judge Grady J. Leupold's Report and Recommendation (R&R), Dkt. 4, recommending the court dismiss petitioner John Edward Roach's habeas petition for lack of jurisdiction, and decline to issue a Certificate of Appealability under 28 U.S.C. § 2253(c)(2).

A district court "shall make a de novo determination of those portions of the report or specified proposed finding or recommendations *to which objection is made*." 28 U.S.C. § 636(b)(1)(C) (emphasis added); *accord* Fed. R. Civ. P. 72(b)(3). "The statute makes it clear that the district judge must review the magistrate judge's findings and recommendations de novo *if objection is made*, but not otherwise." *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). A proper objection requires

1 “specific written objections to the proposed findings and recommendations” in the R&R.
2 Fed. R. Civ. P. 72(b)(2).

3 Petitioner Roach has not objected to the R&R. Accordingly, Roach is not entitled
4 to have the Court review any portion of the R&R de novo. *See* 28 U.S.C. § 636(b)(1)(C);
5 Fed. R. Civ. P. 72(b)(3); *Reyna-Tapia*, 328 F.3d at 1121. Therefore:

- 6 (1) The R&R is **ADOPTED**;
- 7 (2) Petitioner Roach’s petition for a writ of habeas corpus, Dkt. 1, is **DENIED**;
- 8 (3) This action is **DISMISSED**;
- 9 (4) The Court will **NOT ISSUE** a Certificate of Appealability under 28 U.S.C.
10 § 2253(c)(2); and
- 11 (5) The Clerk shall enter a **JUDGMENT** and close the case.

12 **IT IS SO ORDERED.**

13 Dated this 8th day of September, 2023.

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16 BENJAMIN H. SETTLE
United States District Judge